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10	U.S. Customs and Border Protection				
11	UNITED STATES	S DISTRICT COURT			
12	FOR THE CENTRAL DISTRICT OF CALIFORNIA				
13		N			
14	JOHN M. MANLEY,	No. 2:24-cv-01427-JAK-SK			
15	Plaintiff,	DEFENDANT U.S. CUSTOMS AND BORDER PROTECTION'S RESPONSE			
16	V.	TO STATEMENT OF UNCONTROVERTED FACTS			
17	U.S. CUSTOMS AND BORDER PROTECTION,				
18	Defendant.	Honorable John A. Kronstadt United States District Judge			
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Pursuant to Fed R. Civ. P. Rule 56 and Local Rule 56-1, Defendant U.S. Customs and Border Protection submits this Response to Statement of Uncontroverted Facts submitted by the Parties. *See* Dkt. 30-1 (Plaintiff's Statement of Genuine Disputes of Material Fact); *see also* Dkt. 30-2 (Plaintiff's Statement of Additional Facts).

NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND SUPPORTING EVIDENCE
1	On September 25, 2023, Plaintiff, through counsel, submitted a FOIA request via CBP's online FOIA portal located at www.securerelease.us . Declaration of Patrick A. Howard ("Howard Decl."); Dkt. 1 (Complaint) ¶ 40.	Undisputed.
2	Plaintiff's FOIA Request sought nine categories of records related to the policies, practices, complaints, and data regarding CBP's system for enforcing penalties against alleged SENTRI and NEXUS lane violators. Dkt. 1 ¶ 41(1)-(9); Howard Decl., ¶ 14.	Undisputed.
3	The FOIA Division at CBP reviews FOIA requests, determines whether responsive records exist, and, if so, whether they can be released in accordance with the FOIA. Howard Decl. ¶ 6.	Undisputed.
4	In processing such requests, the FOIA Division consults with CBP personnel and, when appropriate, with other components in the DHS, as well as other Executive Branch agencies. Howard Decl. ¶ 6.	Undisputed.
5	When CBP receives a FOIA request that reasonably describes the records requested and otherwise complies with the Agency's rules governing the procedures for FOIA requests, CBP must search for and retrieve	Undisputed.

1	NO.	CBP'S UNCONTROVERTED FACT	PLAINTIFF'S RESPONSE
2		AND SUPPORTING EVIDENCE	TO CITED FACT AND SUPPORTING EVIDENCE
3		potentially responsive records.	
4		Howard Decl. ¶ 7.	
5	6	Based upon the requester's description of	Undisputed.
6		the records being sought, and the FOIA Division's knowledge of the various CBP	
7		subcomponents' missions, the FOIA	
8		division identifies the subcomponent(s) likely to possess responsive records.	
9		Hayyand Daal ¶ 7	
10	7	Howard Decl. ¶ 7. The CBP FOIA division then tasks the	Undisputed.
11		appropriate subcomponent(s) to conduct the	-
12		necessary searches.	
13	8	Howard Decl. ¶ 8. Once the FOIA Division determines the	I In diameter d
14	8	appropriate subcomponent(s) for a given	Undisputed.
15		request, it assigns the request to the Point(s)	
16		of Contact (POC(s)) in each of those subcomponents and instructs them to	
17		conduct a search for responsive records.	
18		Howard Decl. ¶ 8.	
19	9	The POC(s) then review the FOIA request, along with any case-specific instructions	Undisputed.
20		provided by the FOIA Division.	
21		Howard Decl. ¶ 8.	
22	10	The POC(s) uses their experience and	Undisputed.
23		knowledge of their subcomponent's practices and activities to forward the FOIA	
24 25		request and instructions to the individual	
26		employee(s) or office(s) within the subcomponent that they believe are	
27		reasonably likely to have responsive	
28		records.	
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1	NO.	CBP'S UNCONTROVERTED FACT	PLAINTIFF'S RESPONSE
2		AND SUPPORTING EVIDENCE	TO CITED FACT AND SUPPORTING EVIDENCE
3		Howard Decl. ¶ 8.	
4	11	The FOIA Division instructs individuals and	Undisputed.
5		offices to conduct searches of the file	
		systems (including both paper and electronic files) that in their judgment,	
6		based on their knowledge of the manner in	
7		which they routinely keep records, would be	
8		the most likely systems to contain	
9		responsive documents.	
		Howard Decl. ¶ 9.	
10	12	Once those searches are completed, the	Undisputed.
11		individual(s) and program offices provide	
12		any potentially responsive records along	
13		with a completed search form to the assigned FOIA processor.	
14		assigned 1 of 11 processor.	
		Howard Decl. ¶ 11.	
15	13	The FOIA processor then reviews the	Undisputed.
16		collected records for responsiveness,	
17		application of appropriate FOIA exemptions, and the necessity of any	
18		referrals and/or consultations.	
19	1.4	Howard Decl. ¶¶ 11-13.	***
20	14	The Seized Assets and Case Tracking System (SEACATS) is the information	Undisputed.
21		system (SEACATS) is the information system for records of import and export,	
22		fines and penalties, and other enforcement	
23		incidents related to CBP and U.S.	
		Immigration and Customs Enforcement	
24		(ICE) and Homeland Security Investigations.	
25		mvesaganons.	
26		Howard Decl. ¶ 10.	
27	15	The system tracks the physical inventory	Undisputed.
28		and records disposition of all seized assets, as well as the administrative and criminal	
20		as well as the administrative and eliminal	

NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND SUPPORTING EVIDENCE
	cases associated with those seizures.	
	Howard Decl. ¶ 10.	
16	SEACATS functions as the case	Undisputed.
	management system capturing the relevant	
	information and adjudication of the legal	
	outcomes of all fines, penalties, and	
	liquidated damages.	
	Howard Decl. ¶ 10.	
17	The SEACATS also serves as the financial	Undisputed.
	system of record for all collections related	
	to these enforcement actions.	
	Howard Decl. ¶ 10.	
18	The SEACATS holds only the raw data of	Disputed. The cited paragraph
	records in its system.	does not use the word "only."
		See also Howard Decl., ¶ 10
	Howard Decl. ¶ 10.	(stating SEACATS "tracks"
		inventory and records,
		"functions" as a "case
		management system," and
		"serves as the financial
		system" for "all collections,"
		in addition to holding raw
		data; see also Def's SUF Nos. 14-17.
18. CBI	P's Response: The declaration states in full "SI	
	ords mentioned above and does not hold or produced to	duce statistics." See Howard
Decl. ¶	T	Disputed
17	The SEACATS does not hold or produce statistics.	Disputed. Howard Decl. ¶ 10 (stating)
	statistics.	Howard Decl., ¶ 10 (stating SEACATS holds "raw data");
	Howard Decl. ¶ 10.	Declaration of Bardis Vakili
	Tioward Deci. 10.	(May 4, 2025) ("Vakili
		Decl."), Ex. E at 8-10 (2024
		DHS Office of Inspector
		General ("OIG") report stating
		General Colo / Teport stating

1	NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND
2		AND SULL ONLING EVIDENCE	SUPPORTING EVIDENCE
3			there is a "vast amount of
4			associated SEACATS
			documentation" regarding
5			fines and penalties, that
6			SEACATS has the capability
7			"to generate monthly reports"
			and "to generate reports" that "include[] real time
8			information," and that OIG
9			had previously utilized
10			SEACATS to determine that
10			the "[t]he universe of penalty
11			cases for OIG-22-34 was
12			16,293 cases, totaling \$2.5
			billion."); see also Declaration
13			of Bardis Vakili (Mar. 2,
14			2025), Ex. A, Dkt 23-2
15			(providing this same
			information in a December 12, 2024 email to Defendant's
16			counsel).
17	18. CBP	's Response: Undisputed but the cited material	/
18		ion is immaterial as to whether CBP conducted	•
		ed to uncover all responsive documents based of	1
19	Request,	processed the records identified by its search,	and/or applied appropriate
20	_	ons under the FOIA. This is also immaterial as	
21		ly segregable, non-exempt information related	-
	20	The SEACATS is managed and operated by	Undisputed.
22		CBP's Office of Field Operations (OFO) for	
23		use by the OFO Office of Fines, Penalties, and Forfeitures (FP&F).	
		and Portenules (PF&P).	
24		Howard Decl. ¶ 10.	
25	21	FP&F's Director, Lisa K. Santana Fox,	Undisputed.
26		reviewed Plaintiff's FOIA request and	1
		assigned the search of records to a	
27		SEACATS program manager within FP&F	
28		at OFO Headquarters.	

1 2	NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND SUPPORTING EVIDENCE
3			SOIT ORTHOGEVIDENCE
4		Howard Decl. ¶ 18; Declaration of Lisa K. Santana Fox, ("Santana Fox Decl.") ¶ 4.	
5	22	FP&F used the key-word search terms	Undisputed that FP&F used
6		"SENTRI" and "NEXUS" which were	the key-word search terms
7		selected by FP&F management based on a	"SENTRI" and "NEXUS."
		review of Plaintiff's FOIA request and consideration of what terms FP&F	Disputed that these terms "reasonably anticipated" a
8		reasonably anticipated would "hit" upon	"hit" upon responsive
9		potentially responsive documents and	documents. See Declaration of
10		because of terminology used by the	John M. Manley (May 3,
		subcomponent.	2025) ("Manley Decl."), Ex. A
11		H	at 15 (listing statutes alleged
12		Howard Decl. ¶ 19; Santana Fox Decl. ¶ 5.	to be violated that might also generate a "hit"), 16 and 34
13			(receipts listing account code
14			"327
			– Miscellaneous Penalty"
15			which might also generate a
16			"hit"). See also Manley Decl., Ex. B
17			at 13 (listing statutes alleged
18			to be violated that might also
			generate a "hit"), 15-16 and
19			31-32 (receipts and form
20			listing account code "327 –
21			Miscellaneous Penalty" which might also generate a "hit").
			See also Vakili Decl. ¶ 9.
22			Without the benefit of
23			discovery regarding the
24			manner in which CBP collects,
25			tracks, and inputs information
			regarding fines for SENTRI and NEXUS violations,
26			Plaintiff lacks sufficient
27			information to state whether it
28			is undisputed that these terms

1	NO.	CBP'S UNCONTROVERTED FACT	PLAINTIFF'S RESPONSE
2		AND SUPPORTING EVIDENCE	TO CITED FACT AND SUPPORTING EVIDENCE
3			were reasonably calculated to
4			yield responsive records.
5			
6		's Response: CBP's supplemental declaration profits FOIA search in the SEACATS database	-
7		X. Santana Fox $\P\P$ 7-11. In addition, the cited m	1.1
8		ial as to whether CBP conducted an adequate s	•
9		all responsive documents based on the terms ords identified by its search, and/or applied appropriate the search of the search o	
10		his is also immaterial as to whether CBP releas	
		npt information related to Plaintiff's Request.	, ,
11	23	Based on the Search, CBP did not find "Statistics reflecting the total number of	Undisputed.
12		fines and/or demands for payment issued by	
13		CBP for unauthorized use of the SENTRI	
14		lane, the dollar amount of each fine, the	
15		location where such fines were incurred, and the frequency of fines	
16		issued since January I, 2020."	
17		H 1D 1 # 20 C 4 E D 1 # 7	
18	24	Howard Decl. ¶ 20; Santana Fox Decl. ¶ 7. All locations reasonably calculated to	Disputed.
		contain records responsive to the Request	Howard Decl. ¶ 10 (stating
19		(to the extent that they exist within CBP's	"CBP Subcomponents use
20		custody) were searched.	various systems to maintain records" and listing
21		Howard Decl. ¶¶ 16-17, 21-22; Santana Fox	SEACATS as merely one
22		Decl. ¶ 5.	example of such systems, but
23			also listing "personal and shared drives" and "paper
24			files"); see generally Howard
25			Decl. and Santana Fox Decl.
			(not identifying any other "systems" other than
26			SEACATS that were
27			searched).
28			

1	NO.	CBP'S UNCONTROVERTED FACT	PLAINTIFF'S RESPONSE
2		AND SUPPORTING EVIDENCE	TO CITED FACT AND SUPPORTING EVIDENCE
3			Vakili Decl. ¶ 9. Without the
4			benefit of discovery regarding
5			the locations where CBP collects, tracks, and inputs
			information regarding fines for
6			SENTRI and NEXUS
7			violations, Plaintiff lacks
8			sufficient information to state whether it is undisputed that
9			these terms were reasonably
10			calculated to yield responsive
11			records.
12			
13		's Response: Undisputed. The Plaintiff's cited	
		ion does not establish the proffered fact, but ra	ther states an opinion and/or
14	25	r argument. When the search was completed, CBP	Undisputed.
15		identified responsive records and CBP	
16		FOIA provided four releases in total to	
17		Plaintiff.	
18		Howard Decl. ¶ 21.	
	26	On June 24, 2024, CBP provided its first	Undisputed.
19		Production to the Plaintiff.	
20		Howard Decl. ¶ 21.	
21	27	In that first production and the	Undisputed.
22		accompanying response, CBP produced	
23		records titled as Mitigation Guidelines Fines Penalties Forfeitures and Liquidated	
24		Damages, Feb 2004 (253 pages) whose	
25		custodian is FP&F SENTRI no tag override	
		IP (2 page) whose custodian is TTP; and	
26		TTP Reconsideration Fact Sheet (2 pages) whose custodian is TTP.	
27		THE POST OF THE PARTY OF THE PA	
28		Howard Decl. ¶ 21.	

1	NO.	CBP'S UNCONTROVERTED FACT	PLAINTIFF'S RESPONSE
2		AND SUPPORTING EVIDENCE	TO CITED FACT AND SUPPORTING EVIDENCE
3	28	On June 26, 2024, CBP provided its second production to the Plaintiff.	Undisputed.
4			
5	20	Howard Decl. ¶ 21.	TTo diamete d
6	29	In that second production and the accompanying response, CBP produced	Undisputed.
7		records titled as 2022 Final TTP Handbook	
8		HB 3300-011 (NTC-TTV) (78 pages)	
9		whose custodian is APP; Memo TTP Handbook JUNE2024 (1 page) whose	
10		custodian is APP.	
11		Howard Decl. ¶ 21.	
12	30	On October 10, 2024, CBP provided its	Undisputed.
13		third production to the Plaintiff.	
14		Howard Decl. ¶ 21.	
15	31	In that third production and in the accompanying response, CBP produced	Undisputed.
16		records 64 pages determined to be partially	
17		releasable whose custodian is Compliments	
		and Complaints Branch.	
18		Howard Decl. ¶ 21.	
19	32	On December 5, 2024, CBP provided its	Undisputed.
20		fourth and final production to the Plaintiff.	
21		Howard Decl. ¶ 21.	
22	33	In that fourth production and in the	Undisputed.
23		accompanying response, CBP produced 27	
24		pages determined to be partially releasable whose custodian is R&R 1 page of the TTP	
25		Handbook unredacted.	
26		Howard Decl. ¶ 21.	
	34	CBP also provided the following publicly	Undisputed.
27 28		available website link to general statistical records,	
)	

NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND
	THE SOLL ONLING EVIDENCE	SUPPORTING EVIDENCE
	https://www.cbp.gov/newsroom/stats/trade.	
	Howard Decl. ¶ 21.	
35	On March 26, 2025, the parties stipulated that a limited set of documents remained at issue in this FOIA action, and that the withholding of information within those documents would be briefed on summary judgment. The Court approved the Stipulation on April 1, 2025. Dkt. 26-27	Disputed in part. The stipulation, Dkt. 26, was only regarding the scope of the <i>Vaughn</i> index dispute. It was titled "Stipulation: Re The Scope of <i>Vaughn</i> Index For Freedom of Information Act (FOIA) Production," and it served only to limit "the scope of the dispute as to Defendant's <i>Vaughn</i> Index." Dkt. 27 at 2. It was not a stipulation "that a limited set of documents remained at issue in this FOIA action" more broadly. Undisputed that the Court approved the Stipulation on April 1, 2025.
35. CBP	's Response. Undisputed but immaterial.	
36	CBP applied FOIA Exemptions (b)(6) and (b)(7)(C) to protect name and contact information of government employees. Howard Decl. ¶ 27.	Undisputed.
37	CBP applied FOIA Exemption (b)(7)(E) redactions to protect information describing secondary land border officer procedures, including specific technique/methods utilized by the officers, the computer systems used by the officers to input information that is in accordance with current policies and procedures for internal security systems, which includes encrypted law enforcement codes and/or terminology, as well as systems utilized by other	Undisputed.
	as well as systems utilized by other	

1 2	NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND SUPPORTING EVIDENCE
3		Agencies.	
4		Howard Decl. ¶ 29.	
5	38	CBP applied FOIA Exemption (b)(7)(E)	Undisputed.
6		redactions to protect information that includes information on internal systems,	
7		codes and database, procedures for officers	
8		and supervisors on primary and secondary, which the Agency considers law	
9		enforcement sensitive information,	
10		information explaining law enforcement techniques, mechanisms, and procedures	
11		used by CBP Officers to carry out	
12		operations.	
13		Howard Decl. ¶ 31.	
14	39	CBP FOIA Division staff considered which	Undisputed.
15		CBP databases were likely to hold information responsive to Plaintiff's FOIA	
16		request, based upon a careful review of the	
17		content of the request itself and the nature of the records sought.	
18		-	
19	40	Howard Decl. ¶ 16. The CBP FOIA Division determined that	Undisputed.
20		OFO, Office of Trade Rules and	
21		Regulations ("R&R"), Office of the Commissioner Compliments and	
22		Complaints Branch, were the offices that	
23		most likely maintained records.	
24		Howard Decl. ¶ 16.	
25	41	The OFO is responsible for all activity, including reviewing applicants for	Undisputed that Plaintiff's FOIA request inquired about
26		admission, at the port-of-entry ("POE")	POE programs SENTRI and
27		along international borders, airports, and seaports, and Plaintiff's FOIA request	NEXUS. Disputed that OFO is
28		inquiries about POE programs SENTRI and	responsible for "all activity"

1	NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND
2			SUPPORTING EVIDENCE
3		NEXUS.	that occurs at ports of entry,
4		Hayyard Dool ¶ 17	airports, and seaports. However, it is undisputed that
5		Howard Decl. ¶ 17.	OFO is responsible for
6			"reviewing applicants for
7			admission" at these listed locations.
8		's Response: Undisputed. Plaintiff does not cite	•
9	-	ered fact, but rather states an opinion and/or in	
	42	The OFO determined the various subcomponents that most likely maintained	Undisputed.
10		information responsive to Plaintiff's FOIA	
11		request, including the Admissibility and	
12		Passenger Programs ("APP"), the Trusted	
13		Traveler Program ("TTP"), and FP&F.	
14		Howard Decl. ¶ 17.	
15	43	After receiving instruction from the FOIA	Undisputed.
		Division, the APP and the TTP	
16		subcomponents identified responsive records to Plaintiff's Request.	
17		2000240 00 2 4002402	
18		Howard Decl. ¶ 21.	
19	44	CBP performed a line-by-line review of	Undisputed that CBP conducted a line-by-line
20		each CBP record responsive to Plaintiff's FOIA request and determined it had	review of each CBP record
		released all segregable information.	identified by CBP as
21		II 1D 1 # 22	responsive to Plaintiff's FOIA
22		Howard Decl. ¶ 33.	request. Disputed that CBP conducted
23			such a review of each CBP
24			record that is actually
25			responsive to Plaintiff's FOIA request, because Plaintiff
26			disputes that CBP conducted a
27			reasonable search to identify
			all such records.
28			

NO.	CBP'S UNCONTROVERTED FACT AND SUPPORTING EVIDENCE	PLAINTIFF'S RESPONSE TO CITED FACT AND
	AND SUPPORTING EVIDENCE	SUPPORTING EVIDENCE

44. CBP's Response: Undisputed. Plaintiff does not cite to any evidence that establish the proffered fact, but rather states an opinion and/or improper argument.

NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
	FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
		CITED FACT
		AND
		SUPPORTING
		EVIDENCE
	forfeiture program operated by CBP at ports of entry, under which CBP fines drivers and passengers in vehicles the agency alleges to be in vehicle lanes dedicated for members of Trusted Traveler programs without proper authorization. At the southern border, these are referred to as SENTRI lanes. Vakili Decl. ¶ 4.	immaterial as to whether CBP conduced an adequate search reasonably calculated to uncover all responsive documents based on the terms of the FOIA
		Request, processed the records identified by its search, and/or applied appropriate exemptions under the FOIA. This is also immaterial as to whether CBP released all reasonably segregable, non-exempt information related to

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
3			CITED FACT AND
			SUPPORTING
4			EVIDENCE
5			Request.
6	46	CBP did not respond to Plaintiff's FOIA request within the	Undisputed but
		statutory deadline, prompting the initiation of this litigation	immaterial as to
7		on February 21, 2024.	whether CBP
8		W 1 '1' D 1 4 0 C 1 1 4 D1 4 1	conduced an
9		Vakili Decl. ¶ 8; Complaint, Dkt 1.	adequate search
			reasonably calculated to
10			uncover all
11			responsive
12			documents based
			on the terms of
13			the FOIA
14			Request,
15			processed the
			records identified
16			by its search, and/or applied
17			appropriate
18			exemptions under
			the FOIA. This is
19			also immaterial as
20			to whether CBP
21			released all
			reasonably
22			segregable, non- exempt
23			information
24			related to
			Plaintiff's
25			Request.
26	47	Plaintiff alleges in his Complaint that, under this scheme,	Disputed. The
27		when motorists arrive at a port of entry in a lane reserved	cited evidence
		for individuals participating in the Secure Electronic	does not establish
28		Network for Travelers Rapid Inspection ("SENTRI")	the proffered fact,

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO CITED FACT
3			AND
4			SUPPORTING
5		1 (1 1 CENTRI CRR 1 1)	EVIDENCE
		program but lack a SENTRI pass, CBP demands payment of an exorbitant fine from drivers and even their passengers,	but rather states an allegation from
6		on the spot.	the Complaint.
7			
8		Cmplt, Dkt. 1 ¶¶ 23-36; Vakili Decl. ¶¶ 5-6.	
9	48	Rather than provide due process prior to extracting a fine,	Undisputed but
10		which is usually in the \$5,000 range, CBP requires people	immaterial as to
11		wishing to challenge the fine or provide mitigating factors to do so afterwards in a petition for relief.	whether CBP conduced an
12		or we see agree in a promote for remain	adequate search
13		Cmplt, Dkt. 1 ¶¶ 23-36; Vakili Decl. ¶¶ 5-6; Declaration of	reasonably calculated to
14		John M. Manley ("Manley Decl.") ¶ 4.	uncover all
			responsive
15			documents based
16			on the terms of the FOIA
17			Request,
18			processed the
19			records identified by its search,
20			and/or applied
21			appropriate
			exemptions under the FOIA. This is
22			also immaterial as
23			to whether CBP
24			released all
25			reasonably segregable, non-
26			exempt
27			information
			related to Plaintiff's
28			гіаніші 8

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	CBP'S RESPONSE TO
2			CITED FACT
3			AND
4			SUPPORTING EVIDENCE
5			Request.
	49	Plaintiff is an immigration lawyer and advocate who regular	Undisputed but
6	.,	represents	immaterial as to
7		individuals contesting their fines, including individuals who	whether CBP
8		mistakenly arrive in SENTRI lanes because of poor signage,	conduced an
		confusing traffic patterns, incorrect electronic map	adequate search
9		instructions, and barriers to exiting the SENTRI lane once	reasonably
10		in one.	calculated to
11		Monley Deal III 2 2: Veltili Deal II 6	uncover all
		Manley Decl. ¶¶ 2-3; Vakili Decl. ¶ 6.	responsive documents based
12			on the terms of
13			the FOIA
14			Request,
			processed the
15			records identified
16			by its search,
17			and/or applied
			appropriate exemptions under
18			the FOIA. This is
19			also immaterial as
20			to whether CBP
			released all
21			reasonably
22			segregable, non-
23			exempt information
			related to
24			Plaintiff's
25			Request.
26	50	Mr. Manley believes CBP's SENTRI enforcement system is	Disputed. The
		arbitrary, opaque, and potentially unlawful, and he seeks to	cited evidence
27		educate the public about CBP's practice, including how	does not establish
28		robust and lucrative it may be for CBP.	the proffered fact,

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
3			CITED FACT AND
4			SUPPORTING
			EVIDENCE
5		Manlay Dool III 4 5: Valrili Dool III 6 7	but rather states
6		Manley Decl. ¶¶ 4-5; Vakili Decl. ¶¶ 6-7.	an opinion and/or improper
7			argument.
8	51	Plaintiff's FOIA request seeks records in nine categories	Undisputed.
9		related to the policies, practices, complaints, and data regarding CBP's civil asset forfeiture program for SENTRI	
10		violations.	
		Complaint, Dkt. 1 ¶¶ 40-41.	
11	50		TT 1' 4 11 4
12	52	Some of the records produced by CBP after the initiation of this litigation were heavily redacted, including entire	Undisputed but immaterial as to
13		sections of the material most responsive to Plaintiff's	whether CBP
14		requests.	conduced an
15		Vakili Decl. Ex. A (2022 Trusted Travelers Program	adequate search reasonably
16		Handbook ("TTP Handbook")); Vakili Decl. Ex B.	calculated to
17		("SENTRI no tag override" document dated Apr. 30, 2018);	uncover all
		Vakili Decl. Ex. C (Sept. 1, 2022 Memorandum re	responsive documents based
18		Implementation of Trusted Traveler Programs Handbook ("Memo TTP Handbook")).	on the terms of
19			the FOIA
20			Request,
21			processed the records identified
22			by its search,
23			and/or applied
			appropriate exemptions under
24			the FOIA. This is
25			also immaterial as
26			to whether CBP
27			released all reasonably
28			segregable, non-

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
3			CITED FACT AND
			SUPPORTING
4			EVIDENCE
5			exempt
6			information
7			related to Plaintiff's
			Request.
8	53	[Omitted].	Undisputed.
9		N/A	1
10	54	On January 13, 2025, the parties submitted a Joint Status	Disputed. The
11		Report indicating they have "narrowed the issues that	Status Report
12		remain in dispute" to two: (1) whether "CBP conducted an adequate search for records" regarding the number of fines	speaks for itself and is the best
		and money taken in from SENTRI lane enforcement, and	evidence of its
13		(2) whether CBP can justify the redactions in a limited set	contents and does
14		of documents produced.	not need to be
15		Jt. Status Report, Dkt. 20.	summarized or paraphrased.
16		Jt. Status Report, Dkt. 20.	parapinased.
			Dkt. 20, 1:14-21.
17	55	In querying SEACATS for responsive data, the agency used	Partially Disputed
18		only two search terms, "NEXUS" and "SENTRI," without providing any indication that these terms are used when	as to the summary of the "fact." The
19		agents input fines for SENTRI violation into the SEACATS	declaration speaks
20		system, without explaining whether it considered other	for itself and is
21		terms that agents would likely utilize in doing so, and	the best evidence
		without adequately justifying its failure to utilize other obvious terms.	of its contents and does not need to
22		obvious terms.	be summarized or
23		Declaration of Lisa K. Santana Fox, Dkt. 28-4 ¶¶ 5-6.	paraphrased.
24			
25			CBP's
26			supplemental declaration
			provides further
27			explanation for
28			the basis of its

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
3			CITED FACT
3			AND SUPPORTING
4			EVIDENCE
5			FOIA search in
6			the SEACATS
			database.
7			
8			See Supplemental Declaration of
9			Lisa K. Santana
10			Fox ¶¶ 7-11.
	56	When CBP imposes fines on drivers for SENTRI violations,	Undisputed but
11		it often cites 19 U.S.C. §§ 1433(b), and 1436, as well as 19	immaterial as to
12		C.F.R. § 123.2, as its legal justifications.	whether CBP
13		Mouley Deal Ex. A (Detition for relief for elient driver) at	conduced an
		Manley Decl., Ex. A (Petition for relief for client driver) at 15.	adequate search reasonably
14		13.	calculated to
15			uncover all
16			responsive
17			documents based
			on the terms of
18			the FOIA Request,
19			processed the
20			records identified
			by its search,
21			and/or applied
22			appropriate
23			exemptions under the FOIA. This is
24			also immaterial as
			to whether CBP
25			released all
26			reasonably
27			segregable, non-
			exempt information
28	L		momation

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
3			CITED FACT AND
			SUPPORTING
4			EVIDENCE
5			related to
6			Plaintiff's
			Request.
7	57	When CBP imposes fines on passengers of vehicles where	Undisputed but
8		the driver is alleged to have violated SENTRI rules, it often cites 19 U.S.C. § 1459.	immaterial as to whether CBP
9		ches 19 0.3.C. g 1439.	conduced an
10		Manley Decl., Ex. B (Petition for relief for client passenger)	adequate search
		at 13.	reasonably
11			calculated to
12			uncover all
13			responsive
_			documents based on the terms of
14			the FOIA
15			Request,
16			processed the
			records identified
17			by its search,
18			and/or applied
19			appropriate
			exemptions under the FOIA. This is
20			also immaterial as
21			to whether CBP
22			released all
			reasonably
23			segregable, non-
24			exempt
25			information related to
26			Plaintiff's
			Request.
27			•

1	NTO		CDD1C
1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	CBP'S RESPONSE TO
2		FACTS AND SUFFORTING EVIDENCE (DR1. 50-2)	CITED FACT
3			AND
			SUPPORTING
4			EVIDENCE
5	58	Receipts and paperwork CBP gives to individuals it fines	Undisputed but
6		for SENTRI lane violations include an "Acct. Class Code"	immaterial as to
		number "327" as a "Miscellaneous Penalty."	whether CBP
7		Manlay Deal Ex. A at 16 and 24 Manlay Deal Ex. D at	conduced an
8		Manley Decl., Ex. A at 16 and 34; Manley Decl., Ex. B at 15-16 and 31-32.	adequate search reasonably
9		15 10 and 51 52.	calculated to
10			uncover all
			responsive
11			documents based
12			on the terms of
13			the FOIA Request,
			processed the
14			records identified
15			by its search,
16			and/or applied
17			appropriate
			exemptions under the FOIA. This is
18			also immaterial as
19			to whether CBP
20			released all
21			reasonably
			segregable, non-
22			exempt information
23			related to
24			Plaintiff's
			Request.
25	59	There are specific detailed steps and information that CBP	Undisputed.
26		officers must input within internal computer systems	
27		when documenting non-member violators of Trusted Traveler programs.	
28		1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
-			

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
3			CITED FACT AND
4			SUPPORTING
			EVIDENCE
5 6		Defendant's <i>Vaughn</i> Index, Dkt. 28-3 at 9; Vakili Decl. Ex. A at 59 (TTP Handbook, Section 16.11).	
7 8 9 10 11 12	60	One document produced by CBP in this litigation suggests that information on the number of SENTRI lane violations is readily ascertainable, stating that "[t]he volume of [SENTRI lane violation] referrals are extremely high specifically on the Southern Border accounting for [redacted] on average during a Sunday at San Ysidro[.]" Vakili Decl., Ex. B at 2.	Disputed. The cited evidence does not establish the proffered fact, but rather states opinion and/or improper argument.
13 14 15 16 17 18 19 20 21 22 23 24 25 26	61	Because Defendant has thus far refused to engage in discovery, Plaintiff lacks essential information necessary to oppose Defendant's current or any forthcoming motion for summary judgment. Specifically, Plaintiff requires information regarding CBP's methods and terminology for inputting and maintaining SENTRI enforcement data in its databases, including SEACATS. Plaintiff also lacks information regarding the functionality of the SEACATS database to generate reports and statistics. Vakili Decl. ¶ 9.	Disputed. The cited evidence does not establish the proffered fact, but rather states an argument. Plaintiff's opposition brief (Dkt. 30) states "Plaintiff provides sufficient disputes of material fact to defeat Defendant's summary judgment motion insofar as it pertains to the adequacy of
2728			CBP's search for data"

NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	CBP'S RESPONSE TO CITED FACT AND SUPPORTING EVIDENCE
		Dkt. 30 13:11-13.
62	"Once an arrest or seizure case is initiated, the initiating officer must submit the incident report in SEACATS," which "may include supporting information about the violation, the property description, quantities of items seized, and information related to the violator," as well as "Fines and penalties data" and "date and place of violation or alleged violation." Vakili Decl. Ex. D at 3-4, 10-11 (DHS. "Privacy Impact Statement for the Seized Assets and Case Tracking System," DHS/CBP/PIA-040, 1-2, 8-9 (Apr. 10, 2017), https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-040-seacats-april2017.pdf.).	Undisputed but immaterial as to whether CBP conduced an adequate search reasonably calculated to uncover all responsive documents based on the terms of the FOIA Request, processed the records identified by its search, and/or applied appropriate exemptions under the FOIA. This is also immaterial as to whether CBP released all reasonably segregable, non-exempt information related to Plaintiff's Request.

1	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
	110.	FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
2			CITED FACT
3			AND
4			SUPPORTING
5	63	SEACATS also contains "documentation for CBP	EVIDENCE Undisputed but
	03	enforcement activities related to arrests and seizures,"	immaterial as to
6		including the "[i]ssuance of penalties and liquidated	whether CBP
7		damages," "CBP enforcement activities from case initiation	conduced an
8		to final disposition and closure," and "Collection of fines	adequate search
		and penalties related to enforcing laws."	reasonably
9			calculated to
10		Vakili Decl. Ex. D at 3-4, 10-11 (DHS. "Privacy Impact	uncover all
11		Statement for the Seized Assets and Case Tracking	responsive documents based
		System," DHS/CBP/PIA-040, 1-2, 8-9 (Apr. 10, 2017), https://www.dhs.gov/sites/default/files/publications/privacy-	on the terms of
12		pia-cbp-040-seacats-april2017.pdf.).	the FOIA
13		Provide a continue or productive	Request,
14			processed the
			records identified
15			by its search,
16			and/or applied
17			appropriate exemptions under
10			the FOIA. This is
18			also immaterial as
19			to whether CBP
20			released all
21			reasonably
			segregable, non-
22			exempt information
23			related to
24			Plaintiff's
			Request.
25	64	SEACATS contains "Auditable financial year end	Undisputed but
26		statements for the Department of Treasury to document the	immaterial as to
27		financials of CBP Forfeiture Programs," which "includes all	whether CBP
		information that is entered into SEACATS."	conduced an adequate search
28			aucquait staitii

$_{1}\parallel$	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
2	1,0,	FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
			CITED FACT
3			AND
4			SUPPORTING EVIDENCE
5		Vakili Decl. Ex. D at 3-4, 10-11 (DHS. "Privacy Impact	reasonably
6		Statement for the Seized Assets and Case Tracking	calculated to
6		System," DHS/CBP/PIA-040, 1-2, 8-9 (Apr. 10, 2017),	uncover all
7		https://www.dhs.gov/sites/default/files/publications/privacy-	responsive
8		pia-cbp-040-seacats-april2017.pdf.).	documents based
9			on the terms of
			the FOIA Request,
10			processed the
11			records identified
12			by its search,
			and/or applied
13			appropriate
14			exemptions under
15			the FOIA. This is also immaterial as
			to whether CBP
16			released all
17			reasonably
18			segregable, non-
			exempt
19			information
20			related to Plaintiff's
21			Request.
22	65	In recent years, CBP transitioned SEACATS "from an	Undisputed but
		outdated mainframe platform technology to a more modern,	immaterial as to
23		cloud computing technology" with "improved data	whether CBP
24		sharing" that "contributes to a more complete and accurate	conduced an
25		law enforcement information.".	adequate search
			reasonably calculated to
26			uncover all
27			responsive
28			documents based

1 2	NO.	PLAINTIFF'S STATEMENT OF ADDITIONAL	CBP'S
- 1		FACTS AND SUPPORTING EVIDENCE (DKT. 30-2)	RESPONSE TO
2			CITED FACT
3			AND SUPPORTING
4			EVIDENCE
5			on the terms of
6			the FOIA
			Request,
7			processed the
8			records identified
9			by its search,
			and/or applied appropriate
10			exemptions under
11			the FOIA. This is
12			also immaterial as
			to whether CBP
13			released all
14			reasonably
15			segregable, non-
			exempt information
16			related to
17			Plaintiff's
18			Request.
	66	Trusted Traveler programs are not "law enforcement"	Disputed. The
19		programs, but rather they "allow members to use expedited	cited evidence
20		lanes at the U.S. airports, and when crossing international	does not establish
21		borders."	the proffered fact, but rather states
22			an opinion and/or
			improper
23			argument.
24	67	The SENTRI No Tag Override appears to discuss the	Disputed. The
25		processing of alleged violations "based solely on the	cited evidence
		violation of unauthorized lane usage."	does not establish
26		Vakili Decl., Ex. B at 2.	the proffered fact, but rather states
27		vakin Deel., La. D at 2.	an opinion and/or
28			improper

NO.	PLAINTIFF'S STATEME		CBP'S	
	FACTS AND SUPPORTING	G EVIDENCE (DKT. 30-2)	RESPONSE TO CITED FACT	
			AND	
			SUPPORTING	
			argument.	
Dated	d: May 19, 2025	Respectfully subn		
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		/s/Alexander <u>I</u> ALEXANDER L.	L. Farrell	
		ALEXANDER L. Assistant United S	States Attorney	
		Attorneys for Def Customs and Bord	endant U.S.	
		Customs and Bord	ier Protection	